

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>Proceeding Under Section 114(a)(1) of the</b>
	)	<b>Clean Air Act, 42 U.S.C. § 7414(a)(1)</b>
<b>Wisconsin Power and Light Company</b>	)	
<b>Nelson Dewey Generating Station</b>	)	
<b>Cassville, Wisconsin</b>	)	

**Agreed Information Request Issued Pursuant to Section 114(a)(1)**

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Agreed Information Request to Wisconsin Power and Light Company (WPL) under Section 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7414(a)(1).

**Statutory and Regulatory Background**

2. The CAA is designed to protect and enhance the quality of the nation's air resources so as to promote the public health and welfare and the productive capacity of its population. *See* Section 101(b)(1) of the CAA, 42 U.S.C. § 7401(b)(1).

3. Section 108(a) of the CAA, 42 U.S.C. § 7408(a), requires the Administrator of EPA to identify and prepare air quality criteria for each air pollutant, emissions of which may endanger public health or welfare, and the presence of which results from numerous or diverse mobile or stationary sources. For each such "criteria" pollutant, Section 109 of the CAA, 42 U.S.C. § 7409, requires EPA to promulgate national ambient air quality standards (NAAQS) requisite to protect the public health and welfare.

4. Section 110(a)(1) of the CAA, 42 U.S.C. § 7410(a)(1), requires each state to adopt and submit to EPA for approval a State Implementation Plan (SIP) that provides for the implementation, maintenance, and enforcement of the NAAQS. Section 110(a)(2) of the CAA,

42 U.S.C. § 7410(a)(2), requires that each SIP contain adequate provisions prohibiting any source within the state from emitting any air pollutants in amounts which will interfere with attainment or maintenance of the NAAQS or cause significant deterioration of air quality in any other state. See 40 C.F.R. Part 52.

5. Upon EPA approval, SIP requirements are federally enforceable under Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1).

6. On March 9, 1983, EPA approved NR 154.11 as part of the federally-enforceable Wisconsin SIP. 48 *Fed. Reg.* 9860 (March 9, 1983). NR 154.11 became federally effective on April 18, 1983. Wisconsin has since recodified NR 154.11 at NR 415.

7. NR 154.11(1) of the federally-enforceable Wisconsin SIP [NR 415.03] states that no person shall cause, allow, or permit particulate matter (PM) to be emitted into the ambient air which substantially contributes to exceeding of an air standard, or creates air pollution.

8. NR 154.11(2)(a) [NR 415.04] of the federally-enforceable Wisconsin SIP states that no person shall cause, allow, or permit any materials to be handled, transported, or stored without taking precautions to prevent PM from becoming airborne. Such precautions shall include, but not be limited to, application of asphalt, oil, water, suitable chemicals, or plastic covering on dirt roads, material stockpiles, and other surfaces which can create airborne dust, provided such application does not create a hydrocarbon, odor, or water pollution problem.

9. On January 18, 1995, EPA approved definitions in NR 400 as part of the federally-enforceable Wisconsin SIP. 60 *Fed. Reg.* 3538 (January 18, 1995). NR 400 became federally effective on February 17, 1995.

10. NR 400.02(69) of the federally-enforceable Wisconsin SIP and Section 302(e) of the CAA, 42 U.S.C. § 7602(e), define "person," as, among other things, any corporation.

11. NR 400.02(66) of the federally-enforceable Wisconsin SIP defines “particulate matter” as any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

12. NR 400.02(10) of the federally-enforceable Wisconsin SIP defines “ambient air” as the portion of the atmosphere external to buildings and to which the general public has access.

13. NR 400.02(5) of the federally-enforceable Wisconsin SIP defines “air pollution” as the presence in the atmosphere of one or more air contaminants in such quantities and of such duration as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property.

14. NR 400.02(2) of the federally-enforceable Wisconsin SIP states that “air contaminant” is defined in NR 144.30(1), which defines it as dust, fumes, mist, liquid, smoke, other PM, vapor, gas, odorous substances, or any other combination thereof but shall not include uncombined water vapor.

15. The Administrator of EPA may require any person who owns or operates an emission source to, among other things, establish and maintain records; make reports; install, use, and maintain monitoring equipment; and submit compliance certification under Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

### **Findings**

16. WPL owns and operates an electrical generating facility at 11999 County Road VV, Cassville, Wisconsin (i.e., the Nelson Dewey Generating Station or “the facility”).

17. WPL is a “person,” as that term is defined at NR 400.02(69) of the federally-enforceable Wisconsin SIP and Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

18. The facility currently stores piles of coal and petroleum coke (petcoke), both of which have the potential to emit “particulate matter” into the “ambient air” creating “air pollution,” as those terms are defined at NR 400.02(66), 400.02(10), and 400.02(5) of the federally-enforceable Wisconsin SIP, respectively.

19. On March 15, 2015, EPA sent a Section 114(a) Information Request to the facility which contains two sections: a document request section, to which WPL responded on May 18, 2015, and a section relating to ambient air monitoring requirements. This Agreed Request completely supersedes the ambient air monitoring requirements contained in the March 15, 2015, 114 Information Request, Appendix B, paragraphs 8-27.

#### **Information Request Program**

20. By December 31, 2015, WPL shall remove all known petcoke from the facility and shall not knowingly store any petcoke at the facility thereafter.

21. After December 31, 2015, until termination of this Request, WPL shall not accept any deliveries to the facility of coal, petcoke or any other bulk solid material that WPL is permitted to use as fuel at the facility (e.g., wood, tire-derived fuel, petroleum-contaminated soils, and metallurgical coke) that have the potential to emit PM, except as allowed in paragraph 22, below.

22. If WPL elects to accept deliveries of coal petcoke or any other bulk solid material that WPL is permitted to use as fuel at the facility (e.g., wood, tire-derived fuel, petroleum-contaminated soils, and metallurgical coke) at the facility after December 31, 2015, then it shall install at least one continuous Federal Equivalent Method (FEM) real-time PM<sub>10</sub> monitor and at least one Federal Reference Method (FRM) PM<sub>10</sub> filter-based monitor operating every third day, as detailed in Appendix A.

23. By January 15, 2016, WPL shall submit a report to EPA certifying that it had removed all known petcoke from the facility by December 31, 2015, and that it will not knowingly store petcoke at the facility thereafter.

24. Within 2 weeks of termination of the Request, WPL shall submit a report to EPA (1) certifying that it had not accepted any deliveries to the facility of coal, petcoke or any other bulk solid material that WPL is permitted to use as fuel at the facility (e.g., wood, tire-derived fuel, petroleum-contaminated soils, and metallurgical coke) except as allowed in paragraph 22, above; and (2) reporting on the remediation or removal of any other coal, petcoke or any other bulk solid material that WPL is permitted to use as fuel at the facility (e.g., wood, tire-derived fuel, petroleum-contaminated soils, and metallurgical coke) found on site prior to expiration of this Request.

25. WPL must send all reports and correspondence required by this Request to [cullen.raymond@epa.gov](mailto:cullen.raymond@epa.gov), [cantello.nicole@epa.gov](mailto:cantello.nicole@epa.gov), [R5airenforcement@epa.gov](mailto:R5airenforcement@epa.gov), and:

Attention: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

### **General Provisions**

26. WPL agrees to the terms of this Request and further agrees that it will not contest the validity of this Request. WPL waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that it may have with respect to any issue of fact or law set forth in this Request, including any right of judicial review of this Request under 42 U.S.C. § 7607(b)(1) or 5 U.S.C. §§ 701-706.

27. This Request does not affect WPL's responsibility to comply with other federal, state, and local laws.

28. This Request does not restrict EPA's authority to enforce Section 110 of the CAA, 42 U.S.C. § 7410, or any other section of the CAA.

29. Nothing in this Request limits EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for any violation of the CAA identified at the facility.

30. Failure to comply with this Request may subject WPL to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

31. The terms of this Request are binding on WPL and its assignees.

32. WPL may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If WPL fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

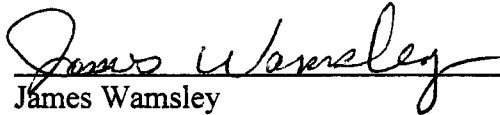
33. This Request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. Please submit the response to this Request without staples; paper clips and binder clips, however, are acceptable.

34. EPA may use any information submitted under this Request in an administrative, civil judicial, or criminal action.

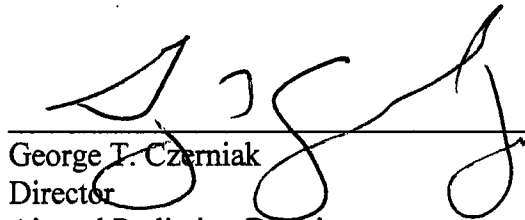
35. Nothing in this agreement shall limit EPA's ability to extend any deadline, including for events beyond the control of WPL.

36. This Request is effective on the date of signature by the Director of the Air and Radiation Division. This Request will terminate one year from the effective date provided that WPL has complied with all terms of the Request throughout its duration.

5/21/15  
Date

  
James Wamsley  
Plant Manager  
Wisconsin Power and Light Company  
Nelson Dewey Generating Station

6/2/15  
Date

  
George T. Czerniak  
Director  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5

## Appendix A

If after December 31, 2015, Wisconsin Power and Light Company (WPL) accepts deliveries of coal, petcoke or any other bulk solid material that WPL is permitted to use as fuel at the facility (e.g., wood, tire-derived fuel, petroleum-contaminated soils, and metallurgical coke) at its facility located at 11999 County Road VV, Cassville, Wisconsin (the facility), it shall notify EPA in writing to the address listed in paragraph 19, below, and shall comply with the following:

### **PM<sub>10</sub> Monitors and Siting**

1. No later than 30 days prior to acceptance of coal, petcoke or any other bulk solid material that WPL is permitted to use as fuel at the facility (e.g., wood, tire-derived fuel, petroleum-contaminated soils, and metallurgical coke at the facility, WPL shall submit proposed monitoring site locations at the facility for EPA review and approval prior to establishing the monitoring sites. WPL shall also submit to EPA a map showing the property lines of the facility, the locations of nearby residences and industrial properties, and proposed locations of the monitoring sites;
2. Within 30 days of EPA approval of the monitoring site locations specified in paragraph 1, above, WPL shall install, operate, and maintain at least one ambient monitoring site at the facility that shall contain at least one continuous Federal Equivalent Method (FEM) real-time PM<sub>10</sub> monitor and at least one Federal Reference Method (FRM) PM<sub>10</sub> filter-based monitor operating every third day;
3. The monitoring sites and monitoring equipment shall conform with the following requirements:
  - a. The PM<sub>10</sub> real-time and filter-based instruments shall meet the specifications of FRM/FEM monitors on this list:  
[www.epa.gov/ttn/amtic/files/ambient/criteria/reference-equivalent-methods-list.pdf](http://www.epa.gov/ttn/amtic/files/ambient/criteria/reference-equivalent-methods-list.pdf);
  - b. WPL shall follow all monitoring, siting, and quality assurance criteria in 40 CFR Part 58, Appendix E;
  - c. PM<sub>10</sub> concentrations from filter-based sampling shall be determined according to 40 CFR 50, Appendix J to Part 50 – “Reference Method for the Determination of Particulate Matter as PM<sub>10</sub> in the Atmosphere;”
  - d. All data collected shall be consistent with units in the National Ambient Air Quality Standards for PM<sub>10</sub>; and
  - e. A data logger shall be attached to the monitors to record readings from the continuous monitors.
4. WPL shall also follow the operating procedures identified in the “Quality Assurance Handbook for Air Pollution Measurement Systems” (located at <http://www.epa.gov/ttn/amtic/qabook.html>), 40 CFR Part 58, Appendix A, and any specified procedures in the manufacturer’s maintenance manual for the units used to monitor PM<sub>10</sub>;



5. WPL shall be responsible for all operation and maintenance associated with the PM<sub>10</sub> monitors. Maintenance shall include, at a minimum, the replacement of any equipment and cleaning on a schedule specified in the manufacturer's maintenance manual;
6. WPL shall order and pay for any necessary replacement parts, accessories, maintenance, etc;
7. WPL shall properly change the PM<sub>10</sub> filters in all sampling devices;
8. WPL shall archive all filters from the PM<sub>10</sub> filter-based instruments for at least two years;
9. WPL may apply to EPA to terminate the requirements of this Request, however, at least one year of information must be collected under this Request before such an application is made;

### **Wind Speed and Direction Monitoring**

10. Within 30 days of EPA approval of the monitoring site locations specified in paragraph 1, above, WPL shall install a meteorological tower at a location representative of local wind conditions. At a minimum, the meteorological tower must continuously measure and record wind speed and wind direction at one-hour intervals throughout the entire ambient monitoring period. WPL shall correlate 1-hr and 24-hr ambient PM<sub>10</sub> measurements with wind speed and wind direction data to determine source direction and the effects of wind speed on PM<sub>10</sub> concentrations. The meteorological tower must also include calibrated ambient temperature and pressure instrumentation for purposes of determining corrected (actual) PM<sub>10</sub> concentrations as recorded by the monitors. WPL shall maintain and/or submit reports and records in accordance with the paragraphs 11-19, below;
11. With respect to the meteorological monitoring site, WPL shall follow the Quality Assurance Handbook for Air Pollution Measurement Systems Volume IV: Meteorological Measurements Version 2.0 (Final) found at:  
[http://www.epa.gov/ttnamti1/files/ambient/met/Volume%20IV\\_Meteorological\\_Measurements.pdf](http://www.epa.gov/ttnamti1/files/ambient/met/Volume%20IV_Meteorological_Measurements.pdf);
12. The internal clocks of all PM<sub>10</sub> analyzers, data loggers, and the wind speed and wind direction data logger shall be synchronized to within 60 seconds of each other (local time and not adjusted for Daylight Savings Time) and shall be checked against a calibrated reference clock at least once every 30 days. Instrument clocks that are more or less than 60 seconds from the reference clock shall be reset to within 60 seconds of the reference clock. Each of these inconsistencies and each reset time shall be noted in the study log;
13. Continuous PM<sub>10</sub> data collected during wind speeds of less than 0.5 meters per second shall be segregated from other wind data for purposes of wind speed and wind direction correlations;

14. WPL shall be responsible for maintenance associated with the meteorological tower on a schedule specified in the manufacturer's maintenance manual. WPL shall order and pay for any necessary replacement parts, accessories, maintenance, etc.;

**General Requirements Applicable to All Requests**

15. Within 30 days of EPA approval of the monitoring sites, WPL shall submit a Quality Assurance Project Plan (QAPP) to EPA. The guidance document for writing a QAPP is "EPA Guidance for Quality Assurance Project Plans," EPA QA/G-5, EPA/600/R-02/009 - December 2002. The guidance is available at <http://www.epa.gov/QUALITY/qs-docs/g5-final.pdf>. Any measures identified by this information request should be incorporated into the QAPP;
16. WPL shall provide EPA and/or the Wisconsin Department of Natural Resources access to the monitoring sites and respond to any inquiries regarding monitor siting, operations, or maintenance. In the event that an inspector or auditor identifies problems, WPL shall take appropriate corrective actions. Any changes made to monitor siting, operations, or maintenance shall be approved by EPA prior to the change;
17. WPL shall keep a daily log and monthly reports of the following information:
  - a. Each site visit and operator activities;
  - b. Any monitoring system downtime (date, time, duration, and reason) along with any corrective actions taken;
  - c. Any possible interferences observed by the operator such as nearby construction or demolition; and
  - d. Any calibration data provided by the manufacturer or performed by WPL.
18. Hourly data from each monitor and meteorological monitoring site, and 24-hour data from gravimetric monitors shall be downloaded as ASCII comma-delimited files and provided to EPA on CD and by email every month. The files should have a single "header" row, with all following rows being individual records, and all columns being a single variable according to the header row. All filter analysis data, including any specification data shall also be provided;
19. Monthly reports specified in paragraph 18, above, shall be submitted to EPA for a period of one year. Each report is due within 14 days of the end of the month being reported. At the end of the one year time frame, WPL may seek termination or modification of this request. WPL shall submit all documents due under this request and the monthly reports to [cullen.raymond@epa.gov](mailto:cullen.raymond@epa.gov), [cantello.nicole@epa.gov](mailto:cantello.nicole@epa.gov), [r5airenforcement@epa.gov](mailto:r5airenforcement@epa.gov), and:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5

~~77~~ West Jackson Boulevard  
Chicago, Illinois 60604

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent the Agreed Request by certified mail, return receipt requested, to:


Jim Wamsley  
Plant Manager  
Wisconsin Power and Light Company  
Nelson Dewey Generating Station  
11999 County Road VV  
Cassville, Wisconsin 53806

I also certify that I sent a copy of the Agreed Request by first-class mail to:

Tom Roushar  
Wisconsin Department of Natural Resources  
3911 Fish Hatchery Road  
Fitchburg, Wisconsin 53711

Bill Baumann  
Chief  
Compliance and Enforcement Section  
Bureau of Air Management  
Wisconsin Department of Natural Resources  
101 South Webster Street  
P.O. Box 7921 (AM/7)  
Madison, Wisconsin 53707-7921

on the 3rd day of June, 2015.

  
Loretta Shaffer  
Program Technician  
AECAB/PAS

CERTIFIED MAIL RECEIPT NUMBER: 7011 1150 0000 2640 5335